

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY RICHARD TURNER,

Petitioner,

v.

THOMAS A. FERRARA,

Respondent.

No. 2:25-cv-00933-DC-CSK (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 13)

Petitioner Anthony Richard Turner, a state prisoner proceeding *pro se* and *in forma pauperis*, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 5, 2025, the magistrate judge filed findings and recommendations herein, which were served on Petitioner and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. (Doc. No. 13.) Petitioner has not filed objections to the findings and recommendations, and the time to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Having concluded that the pending petition must be dismissed, the court also declines to

1 issue a certificate of appealability. A petitioner seeking writ of habeas corpus has no absolute
2 right to appeal; he may appeal only in limited circumstances. *See* 28 U.S.C. § 2253; *Miller-El v.*
3 *Cockrell*, 537 U.S. 322, 335–36 (2003). If a court denies a petitioner's petition, the court may only
4 issue a certificate of appealability when a petitioner makes a substantial showing of the denial of
5 a constitutional right. 28 U.S.C. § 2253(c)(2). Where, as here, the court denies habeas relief on
6 procedural grounds without reaching the underlying constitutional claims, the court should issue a
7 certificate of appealability if “jurists of reason would find it debatable whether the petition states
8 a valid claim of the denial of a constitutional right and that jurists of reason would find it
9 debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529
10 U.S. 473, 484 (2000).

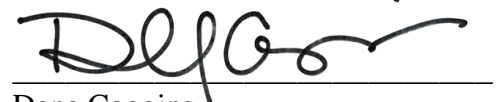
11 In the present case, the court finds that reasonable jurists would not find the court's
12 determination that the pending petition must be dismissed to be debatable or wrong. Thus, the
13 court declines to issue a certificate of appealability.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed on November 5, 2025 (Doc. No. 13) are
16 ADOPTED in full;
- 17 2. This action is dismissed without prejudice;
- 18 3. The court declines to issue a certificate of appealability; and
- 19 4. The Clerk of the Court is directed to close this case.

20 IT IS SO ORDERED.

21 Dated: **December 30, 2025**

22 
23 Dena Coggins
24 United States District Judge
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